FILE REFERENCE NO: 20150107
ORDINANCE NO: 7815

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia in Land Lot 12320, District 16, Parcel 0760, 2nd Section, Marietta, Cobb County, Georgia and being known as **233 Waterman Street, including the area identified as an Unused Alley**.

WHEREAS, application has been filed by **JOHN WIELAND HOMES AND NEIGHBORHOODS** for rezoning property, including right of way of an unused alley currently owned by the **CITY OF MARIETTA**, in the corporate limits of the City of Marietta, Georgia; and,

WHEREAS, following proper notice, a public hearing was held before this body; and,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:

Section 1: The following property to wit:

233 Waterman Street

All that tract or parcel of land lying and being in Land Lot 1232, 16th District, 2nd Section, City of Marietta, Cobb County, Georgia, and being more particularly described as follows:

Commencing at the intersection of the westerly right-of-way of Alexander Street and the northerly right-of-way of Waterman Street;

Thence running along the northerly right-of-way of Waterman Street in a westerly direction a distance of 198.55' to #4 rebar found and the TRUE POINT OF BEGINNING;

Thence running along said right-of-way a bearing of South 89 degrees 28 minutes 49 seconds West a distance of 90.16 feet to a #4 rebar found;

Thence leaving said right-of-way running along the property line bounded on the west by an unknown owner (apparent gap in deeds) a bearing of North 00 degrees 15 minutes 59 seconds West a distance of 158.67 feet to a #4 rebar set;

Thence running along the property line bounded on the north by an unknown owner (unused alley) a bearing of North 89 degrees 37 minutes 29 second East a distance of 98.36 feet to a #4 rebar set;

Thence running along the property line bounded on the east by the lands now or formerly of Clifton E Phillips, Jr. and Ronald B Phillips a bearing of South 02 degrees 41 minutes 34 seconds West a distance of 158.67 feet to a #4 rebar found on the northerly right-of-way line of

Waterman Street and the TRUE POINT OF BEGINNING.

Said tract contains 14,945square feet or .34 acres.

Unused right of way

All that tract or parcel of land lying and being in Land Lot 1232, 16th District 2nd Section, City of Marietta, Cobb County, Georgia, and being more particularly described as follows:

Commencing at the intersection of the westerly right of way of Alexander Street and the northerly right of way of Waterman Street;

Thence running along the northerly right of way of Waterman Street in a westerly direction a distance of 198.55' to #4 rebar found;

Thence running along the property line bounded on the east by the lands now or formerly of Clifton E Phillips, Jr. and Ronald B Phillips a bearing of North 02 degrees 441 minutes 34 seconds East a distance of 158.67 feet to a #4 rebar found and the TRUE POINT OF BEGINNING;

Thence running along the property line bounded on the south by the lands now or formerly of William Buckland a bearing of South 89 degrees 37 minutes 29 seconds West a distance of 98.36 feet to a #4 rebar set;

Thence running along the property line bounded on the west by the lands now or formerly of JW Homes LLC "Meeting Park" a bearing of North 89 degrees 37 minutes 29 seconds East a distance of 0.19 feet to a #4 rebar set;

Thence running along the property line bounded on the west by the lands now or formerly of JW Homes LLC "Meeting Park" a bearing of North 01 degrees 18 minutes 52 seconds East a distance of 6.98 feet to a #4 rebar set;

Thence running along the property line bounded on the north by the lands now or formerly of JW Homes LLC "Meeting Park" a bearing of North 88 degrees 59 minutes 17 seconds East o distance of 98.78 feet to a #4 rebar found;

Thence running along the property line bounded on the east by the lands now or formerly of Clifton E Phillips, Jr. and Ronald B Phillips a bearing of South 02 degrees 41 minutes 34 seconds East a distance of 8.08 feet to a #4 rebar set and the TRUE POINT OF BEGINNING.

Section 2: The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from PRD-MF (Planned Residential Development – Multi Family) and Unzoned to MXD (Mixed Use Development).

Section 3: The following stipulations are incorporated as conditions of zoning:

- This property shall be incorporated into the Meeting Park development, and all previously approved stipulations to zoning and detailed plans for Meeting Park, including site plans, landscape plans, and architectural elevations, shall also apply to this property.

Section 4: It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses and phrases are severable, and if any section, paragraph, sentence, clause or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

Section 5: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 6: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:

Brian Binzer, Director
Department of Development Services

Approved as to form:

Douglas R. Haynie, City Attorney

Approved by City Council:

DATE: June 10, 2015

APPROVED:

R. Steve Tumlin, Jr., Mayor

ATTEST:

Stephanie Guy, City Clerk